IN THE HIGH COURT OF JUDICATURE

ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 22883 of 2005

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Dated: 24th October 2005.

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Between:

K.Padmanabhaswamy and others .. Petitioner

AND

The Govt. of A.P. rep. By its

Principal Secretary to Government,

General Administration Department,

Secretariat, and others .. Respondents

ORAL ORDER : (per JC,J)

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Aggrieved by an order of the Andhra Pradesh Administrative Tribunal dated 18.10.2005 by which the Tribunal had vacated the interim orders granted earlier on 09.09.2005 in favour of the present writ petitioners, this writ petition is filed.

It may not be necessary for us to go into the details of the matter except to briefly state the issue that the dispute is regarding the promotions to the posts of Assistant Secretaries from two different channels. The entitlement of the unofficial respondents herein for such a promotion, is told, depends upon the exercise of the power of the Government to relax the applicability of certain rules relevant to the service. The Government proposes to exercise such discretion in favour of the respondents and therefore, before exercising such a discretion called upon the petitioners to state their objections, if any, for such an exercise of discretion.

Challenging the said notice, the O.A was filed. Initially an interim order was granted, but by the impugned order, the same was vacated.

The question whether the Government could legally exercise such a power of relaxation with effect from an anterior date is an issue, which requires to be decided by the Andhra Pradesh Administrative Tribunal in the O.A. Therefore, we do not propose to examine the same in the writ petition, which arise out of an interlocutory order.

However, having regard to the legal complexity of the question, we deem it appropriate to direct the 1st respondent to pass an appropriate order, on the objections which are admittedly said to have been filed by some of the writ petitioners in the writ petition in response to the show-cause notice, within a period of four weeks from today and pending such a decision *status quo* obtaining as on today shall be maintained. Depending on the decision of the government, its open for either the petitioners or the contesting respondents to take appropriate further steps in law as they are advised.

The writ petition is accordingly disposed of. No costs.

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knk 24.10.2005